

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: **Ralph A. Cowden III**  
Application Number: **10/571,740**  
Int. Application Number: **PCT/US2004/030056**  
I.A. Filing Date: **September 15, 2004**  
Anticipated National Filing Date: **March 14, 2006**  
Atty. Docket No.: **4396-060415**  
Confirmation No.: **6915**  
Group Art No.: **(Not Yet Assigned)**  
Examiner: **(Not Yet Assigned)**  
Title: **NUTRITIONAL SUPPLEMENT AND PROTOCOL**  
**Honolulu, Hawaii**  
**December 15, 2007**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 25 U.S.C. 371**

VIA EFS WEB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: OIPE

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed October 3, 2007, to The Webb Law Firm, P.C., Applicant's previous counsel of record, a copy of which notice is enclosed herewith, Applicant responds as follows:

A true and accurate copy of a declaration of the inventors in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date, is submitted herewith. The declaration takes the form of a combined declaration and power of attorney form. The combined declaration and power of attorney identifies the application by PCT application number and filing date, and in addition, by attorney

docket number. It was signed by the inventors prior to the filing of the national phase application but was not included together with that filing.

Whereas the power of attorney portion of the enclosed form names The Webb Law Firm, P.C., Applicant's previous attorneys of record, that power of attorney has been subsequently superceded by the revocation and substitution of power of attorney form being submitted concurrently herewith.

The information on the combined declaration and power of attorney form was true and accurate at the time made and satisfies all applicable requirements of 37 CFR 1.497.

Whereas Applicant believes it has submitted the additional fees noted on the Notification via EFS Web, Applicant hereby authorizes the Commissioner of Patents to charge any unpaid or underpaid application fee or surcharge, calculated for a small entity, to the deposit account no. 501198.

This same response was previously submitted on November 23, 2007. It is being resubmitted in an excess of caution because Applicant's representative noticed that one of the boxes on the Statement Under 37 CFR 3.73(b) had, inadvertently, not been checked.

This response is being submitted via EFS Web within three months of the date of mailing of the Notification. A one month extension pursuant to 37 CFR 1.136(a) was paid for in conjunction with Applicant's November 23<sup>rd</sup> submission.

The Office of Missing Parts is invited to contact the undersigned attorney at (808) 523-8894, business hours Hawaii standard time, or via email at <[seth.reiss@lex-ip.com](mailto:seth.reiss@lex-ip.com)>, should the Office have questions pertaining to this response.

Respectfully submitted,

/s/ Seth M. Reiss

Seth M. Reiss, Reg. No. 30,211  
Godbey Griffiths Reiss, LLP  
1003 Bishop Street Suite 2300  
Honolulu, Hawaii 96813  
Phone: (808) 523-8894  
Fax: (808) 523-8899  
E-mail: <[seth.reiss@lex-ip.com](mailto:seth.reiss@lex-ip.com)>

COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/571,740	Ralph A. COWDEN III	4396060415

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/US04/30056

I.A. FILING DATE	PRIORITY DATE
09/15/2004	09/15/2003

28289  
 THE WEBB LAW FIRM, P.C.  
 700 KOPPERS BUILDING  
 436 SEVENTH AVENUE  
 PITTSBURGH, PA 15219

CONFIRMATION NO. 6915

371 FORMALITIES LETTER



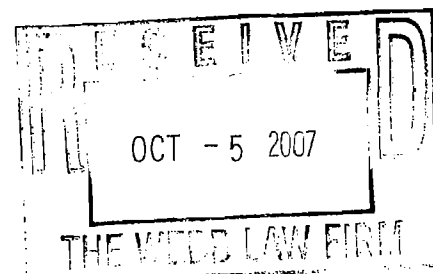
\*OC000000021005903\*

Date Mailed: 10/03/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/14/2006
- Copy of the International Search Report filed on 03/14/2006
- Copy of IPE Report filed on 03/14/2006
- U.S. Basic National Fees filed on 03/14/2006



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$-150 for a Small Entity:

(A previous payment of \$150 will be applied to the additional fees indicated above.)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/571,740	PCT/US04/30056	4396060415

FORM PCT/DO/EO/905 (371 Formalities Notice)